

COREY BAXLEY,

Plaintiff,

v.

OFFICER CANTU, MAINTENANCE
SUPERVISOR FOR LASALLE
CORRECTIONAL AT BOWIE COUNTY
CORRECTIONAL FACILITY; MEDICAL
DEPARTMENT OF BOWIE COUNTY
CORRECTIONAL FACILITY, LASALLE
CORRECTIONAL, BOWIE COUNTY
CORRECTIONAL FACILITY,

Defendants.

§
§
§ CIVIL ACTION NO. 5:18-CV-00114-RWS
§
§
§
§
§
§
§
§
§
§
§
§

Plaintiff Corey Baxley, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. This Court referred the matter to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff complained of an incident in which he was working in a maintenance crew, welding on transport vans, when a co-worker pulled out some hinges, causing a set of steps to fall on Plaintiff's foot. Plaintiff contended that none of the workers had steel toe boots or other safety equipment. He also complained of a delay in taking him for medical care and about the medical care he ultimately received.

Defendants filed a motion for summary judgment arguing that Plaintiff had failed to exhaust his administrative remedies. Docket No. 23. Plaintiff filed a response. Docket No. 24. On February 5, 2020, the Magistrate Judge issued a Report and Recommendation recommending that the motion for summary judgment be granted and that the lawsuit be dismissed without prejudice for failure to exhaust administrative remedies. Docket No. 29. Plaintiff received a copy of this Report on February 20, 2020, *see* Docket No. 30, but filed no timely objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

Nonetheless, the Court has reviewed the record in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is therefore

ORDERED that the Report of the Magistrate Judge (Docket No. 29) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Defendants' motion for summary judgment (Docket No. 23) is **GRANTED** and the above-styled civil action is **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 16th day of March, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE